

To: Tipton, Lantz[tipton.lantz@epa.gov]
From: U.S. Environmental Protection Agency
Sent: Sun 6/2/2013 5:12:21 PM
Subject: U.S. Environmental Protection Agency Weekly Digest Bulletin

EPA News Release (Region 7): \$291,000 Grant to Keokuk, Iowa, for Sewer Project
05/28/2013

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard, Lenexa, KS 66219

Iowa, Kansas, Missouri, Nebraska, and Nine Tribal Nations

\$291,000 Grant to Keokuk, Iowa, for Sewer Project

Contact Information: Kris Lancaster, 913-551-7557, lancaster.kris@epa.gov (news media only)

Environmental News

FOR IMMEDIATE RELEASE

(Lenexa, Kan., May 28, 2013) - EPA Region 7 has awarded \$291,000 to the City of Keokuk, Iowa, for improvements to its sewer system. The project is expected to be completed by the fall of 2014.

EPA Region 7 Administrator Karl Brooks said, "The grant will improve aging water infrastructure and spearhead new projects that will reduce sewer overflows and improve water quality. These water infrastructure funds will help fund a construction project which is estimated to cost \$5.4 million."

The purpose of the project is to construct new sanitary and storm sewer systems, which will eliminate four sewer overflows. The new sewer will provide adequate capacity for both current and anticipated future flows.

Keokuk is one of 10 Iowa cities that have combined sewer systems. These systems typically use one pipe that combines sanitary sewer and storm sewer to the wastewater treatment plants during normal rainfall. However, during rainfall, this system sometimes overflows into nearby streams.

A long-term strategy has been developed to eliminate six combined sewer overflows in Keokuk that drain either into the Mississippi River or Soap Creek.

EPA oversees the protection of water quality and public health. The Agency is working with community leaders and the public to meet the growing needs and demands of limited water resources. EPA remains committed to developing innovative and sustainable solutions for managing and financing infrastructure with public and private partners.

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[More information](#) about water-related activities in EPA Region 7

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EPA News Media Advisory (Region 7): EPA Region 7 to Hold May 29 Press Call to Discuss Aerial Radiological Survey of West Lake Landfill in Bridgeton, Mo.

05/28/2013

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard, Lenexa, KS 66219

Iowa, Kansas, Missouri, Nebraska, and Nine Tribal Nations

NEWS MEDIA ADVISORY - FOR COVERAGE PLANNING PURPOSES ONLY

EPA Region 7 to Hold May 29 Press Call to Discuss Aerial Radiological Survey of West Lake Landfill in Bridgeton, Mo.

Contact Information: Chris Whitley, 913-551-7394, whitley.christopher@epa.gov

Environmental News

(Lenexa, Kan., May 28, 2013) - EPA Region 7 Administrator Karl Brooks will participate in a telephone media availability for working journalists from 2 p.m. to 3 p.m. Wednesday, May 29, to discuss the results of an aerial radiological survey of the West Lake Landfill Site in Bridgeton, Mo.

EPA Region 7 requested the survey, which was conducted March 8 by EPA's Airborne Spectral Photometric Environmental Collection Technology (ASPECT) Program, to gather data to help inform future decisions about the Superfund site. An ASPECT airplane with a pilot, co-pilot, technician and scientific equipment on board flew multiple low-altitude passes over the site and adjacent residential and industrial properties to identify surface areas that emit gamma radiation.

The ASPECT survey is part of EPA's work to update information collected through prior investigations. The 200-acre West Lake Landfill Site encompasses several inactive areas of closed sanitary and demolition fills, including two areas where leached barium sulfate waste from World War II-era nuclear weapons manufacturing was buried in the 1970s; and the separate Bridgeton Sanitary Landfill.

During the May 29 telephone media availability, Regional Administrator Brooks will summarize the results of the ASPECT survey and next steps in EPA's continuing work at the site, and answer journalists' questions. **NOTE: Because of a limited number of call-in lines, participation in this telephone availability is intended for working press members only.**

A corresponding EPA Region 7 press release, and the full text of the ASPECT survey report, will be available for review online by 12:00 p.m. on Wednesday, May 29, at www.epa.gov/region7/cleanup/npl_files/index.htm#westlake.

WHO: EPA Regional Administrator Karl Brooks

WHAT: Telephone Media Availability to Discuss Results of Aerial Radiological Survey of West Lake Landfill Site in Bridgeton, Mo.

WHEN: 2 p.m. to 3 p.m. Central Time, Wednesday, May 29, 2013

HOW: Dial the Conference Number, 1-866-299-3188 and enter Access Code 913-551-7444 at the prompt.

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[Learn more](#) about EPA's ASPECT Program

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News Release: Wal-Mart Pleads Guilty To Federal Environmental Crimes And Civil Violations And Will Pay More Than \$81 Million

05/28/2013

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FOR IMMEDIATE RELEASE

May 28, 2013

Wal-Mart Pleads Guilty To Federal Environmental Crimes And Civil Violations And Will Pay More Than \$81 Million

Retailer admits violating criminal and civil laws designed to protect water quality and to ensure proper handling of hazardous wastes and pesticides

WASHINGTON – Wal-Mart Stores Inc. pleaded guilty today in cases filed by federal prosecutors in Los Angeles and San Francisco to six counts of violating the Clean Water Act by illegally handling and disposing of hazardous materials at its retail stores across the United States. The Bentonville, Ark.-based company also pleaded guilty today in Kansas City, Mo., to violating the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) by failing to properly handle pesticides that had been returned by customers at its stores across the country.

As a result of the three criminal cases brought by the Justice Department, as well as a related civil case filed by the U.S. Environmental Protection Agency (EPA), Wal-Mart will pay approximately \$81.6 million for its unlawful conduct. Coupled with previous actions brought by the states of California and Missouri for the same conduct, Wal-Mart will pay a combined total of more than \$110 million to resolve cases alleging violations of federal and state environmental laws.

According to documents filed in U.S. District Court in San Francisco, from a date unknown until January 2006, Wal-Mart did not have a program in place and failed to train its employees on proper hazardous waste management and disposal practices at the store level. As a result, hazardous wastes were either discarded improperly at the store level – including being put into municipal trash bins or, if a liquid, poured into the local sewer system – or they were improperly transported without proper safety documentation to one of six product return centers located throughout the United States.

“By improperly handling hazardous waste, pesticides and other materials in violation of federal laws, Wal-Mart put the public and the environment at risk and gained an unfair economic advantage over other companies,” said Ignacia S. Moreno, Assistant Attorney General for the Justice Department’s Environment and Natural Resources Division. “Today, Wal-Mart acknowledged responsibility for violations of federal laws and will pay significant fines and penalties, which will, in part, fund important environmental projects in the communities impacted by the violations and help prevent future harm to the environment.”

“Federal laws that address the proper handling, storage and disposal of hazardous wastes exist to safeguard our environment and protect the public from harm,” said André Birotte Jr., the U.S. Attorney for the Central District of California. “Retailers like Wal-Mart that generate hazardous waste have a duty to legally and safely dispose of that hazardous waste, and dumping it down the sink was neither legal nor safe. The case against Wal-Mart is designed to ensure compliance with our nation’s environmental laws now and in the future.”

“As one of the largest retailers in the United States, Wal-Mart is responsible not only for the stock on its shelves, but also for the significant amount of hazardous materials that result from damaged products returned by customers,” said Melinda Haag, U.S. Attorney for the Northern District of California. “The crimes in these cases stem from Wal-Mart's failure to comply with the regulations designed to ensure the proper handling, storage, and disposal of those hazardous materials and waste. With its guilty plea today, Wal-Mart is in a position to be an industry leader by ensuring that not only Wal-Mart, but all retail stores properly handle their waste.”

“This tough financial penalty holds Wal-Mart accountable for its reckless and illegal business practices that threatened both the public and the environment,” said Tammy Dickinson, U.S. Attorney for the Western District of Missouri. “Truckloads of hazardous products, including more than 2 million pounds of pesticides, were improperly handled under Wal-Mart’s contract. Today’s criminal fine should send a message to companies of all sizes that they will be held accountable to follow federal environmental laws. Additionally, Wal-Mart’s community service payment will fund important environmental projects in Missouri to help prevent such abuses in the future.”

“The FBI holds all companies, regardless of size, to the same standards,” said FBI Special Agent in Charge David J. Johnson of the San Francisco Field Office. “We will continue to work closely with our law enforcement partners to ensure there is a level playing field for all businesses and that everyone follows the rules.”

“Today Wal-Mart is taking responsibility for violating laws that protect people from hazardous wastes and chemicals,” said Cynthia Giles, assistant administrator for EPA’s Office of Enforcement and Compliance Assurance. “Walmart is committing to safe handling of hazardous wastes at all of its facilities nationwide, and action that will benefit communities across the country.”

Wal-Mart owns more than 4,000 stores nationwide that sell thousands of products which are flammable, corrosive, reactive, toxic or otherwise hazardous under federal law. The products that contain hazardous materials include pesticides, solvents, detergents, paints, aerosols and cleaners. Once discarded, these products are considered hazardous waste under federal law.

Wal-Mart pleaded guilty this morning in San Francisco to six misdemeanor counts of negligently violating the Clean Water Act. The six criminal charges were filed by the U.S. Attorney’s Office in Los Angeles and San Francisco (each office filed three charges), and the two cases were consolidated in the Northern District of California, where the guilty pleas were formally entered before U.S. Magistrate Judge Joseph C. Spero. As part of a plea agreement filed in California, Wal-Mart was sentenced to pay a \$40 million criminal fine and an additional \$20 million that will fund various community service projects, including opening a \$6 million Retail Compliance Assistance Center that will help retail stores across the nation learn how to properly handle hazardous waste.

In the third criminal case resolved today, Wal-Mart pleaded guilty in the Western District of Missouri to violating FIFRA. According to a plea agreement filed in Kansas City, beginning in 2006, Wal-Mart began sending certain damaged household products, including regulated solid

and liquid pesticides, from its six return centers to Greenleaf LLC, a recycling facility located in Neosho, Mo., where the products were processed for reuse and resale. Because Wal-Mart employees failed to provide adequate oversight of the pesticides sent to Greenleaf, regulated pesticides were mixed together and offered for sale to customers without the required registration, ingredients, or use information, which constitutes a violation of FIFRA. Between July 2006 and February 2008, Wal-Mart trucked more than 2 million pounds of regulated pesticides and additional household products from its various return centers to Greenleaf. In November 2008, Greenleaf was also convicted of a FIFRA violation and paid a criminal penalty of \$200,000 in 2009.

Pursuant to the plea agreement filed in Missouri and accepted today by U.S. District Judge John T. Maughmer, Wal-Mart agreed to pay a criminal fine of \$11 million and to pay another \$3 million to the Missouri Department of Natural Resources, which will go to that agency's Hazardous Waste Program and will be used to fund further inspections and education on pesticide regulations for regulators, the regulated community and the public. In addition, Wal-Mart has already spent more than \$3.4 million to properly remove and dispose of all hazardous material from Greenleaf's facility.

In conjunction with today's guilty pleas in the three criminal cases, Wal-Mart has agreed to pay a \$7.628 million civil penalty that will resolve civil violations of FIFRA and Resource Conservation and Recovery Act (RCRA). In addition to the civil penalties, Wal-Mart is required to implement a comprehensive, nationwide environmental compliance agreement to manage hazardous waste generated at its stores. The agreement includes requirements to ensure adequate environmental personnel and training at all levels of the company, proper identification and management of hazardous wastes, and the development and implementation of Environmental Management Systems at its stores and return centers. Compliance with this agreement is a condition of probation imposed in the criminal cases.

The criminal cases announced today are a result of investigations conducted by the FBI and the EPA, which received substantial assistance from the California Department of Substance and Toxics Control, and the Missouri Department of Natural Resources.

In Missouri, the case was prosecuted by Deputy U.S. Attorney Gene Porter and ENRD Senior Trial Attorney Jennifer Whitfield of the Environmental Crimes Section of the Environment and Natural Resources Division. In California, the cases were prosecuted in Los Angeles by Assistant U.S. Attorney Joseph O. Johns and in San Francisco by Assistant U.S. Attorney Stacey Geis.

More information about the case: URL
<http://www.epa.gov/enforcement/waste/cases/walmart.html>

EPA News Release (Region 7): Farm Services Cooperative, of Shelby, Iowa, to Pay \$21,450 Civil Penalty for Sale of Restricted Use Pesticides
05/29/2013

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard, Lenexa, KS 66219

Iowa, Kansas, Missouri, Nebraska, and Nine Tribal Nations

Farm Services Cooperative, of Shelby, Iowa, to Pay \$21,450 Civil Penalty for Sale of Restricted Use Pesticides

Contact Information: Ben Washburn, 913-551-7364, washburn.ben@epa.gov

Environmental News

FOR IMMEDIATE RELEASE

(Lenexa, Kan., May 29, 2013) - Farm Services Cooperative, of Shelby, Iowa, has agreed to pay a \$21,450 civil penalty to the United States for the unauthorized sales of restricted use pesticides.

According to an administrative consent agreement filed by EPA Region 7 in Lenexa, Kan., Farm Services Cooperative on three occasions sold restricted use pesticides to an individual that was not certified to apply such pesticides, violating the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

The Iowa Department of Agriculture and Land Stewardship conducted an inspection of the Shelby facility on Nov. 19, 2012. The inspector documented the sale of the restricted use pesticides Atrazine and Grazon to persons not certified to apply such pesticides on three occasions in May and June of the same year.

Restricted use pesticides are highly toxic chemicals whose misuse may pose significant potential harm to human health or to the environment. Under FIFRA, a restricted use pesticide shall be applied only by or under the direct supervision of a certified applicator. Sale or distribution of restricted use pesticides to persons not certified to apply such products and their subsequent misuse or misapplication may result in environmental harm or in injury or death to persons.

As part of its settlement with the EPA, Farm Services Cooperative has certified that it is presently in compliance with FIFRA and its regulations.

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[Learn more](#) about the EPA's civil enforcement of FIFRA

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EPA News Release (Region 7): Aerial Survey Shows Radiological Wastes Contained in Secure Areas of West Lake Landfill; No Public Health Risks Posed

05/29/2013

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard, Lenexa, KS 66219

Iowa, Kansas, Missouri, Nebraska, and Nine Tribal Nations

Aerial Survey Shows Radiological Wastes Contained in Secure Areas of West Lake Landfill; No Public Health Risks Posed

Contact Information: Chris Whitley, 913-551-7394, whitley.christopher@epa.gov

Environmental News

FOR IMMEDIATE RELEASE

(Lenexa, Kan., May 29, 2013) - A March 2013 aerial survey of the West Lake Landfill at Bridgeton, Mo., has determined that radiologically-contaminated wastes buried there in the 1970s remain contained within secure, fenced areas of the Superfund site, and do not pose public health risks, according to a report issued today by EPA Region 7.

Region 7 requested the survey, which was conducted March 8 by EPA's Airborne Spectral Photometric Environmental Collection Technology (ASPECT) Program, to gather data to help inform future decisions about the Superfund site. An ASPECT airplane with a pilot, co-pilot, technician and scientific equipment on board flew multiple low-altitude passes over the site and adjacent residential and industrial properties to identify surface areas that emit gamma radiation.

"The results of the ASPECT survey are consistent with previous studies that indicate the site's radiological wastes remain contained inside Operable Unit 1," EPA Regional Administrator Karl Brooks said. "The site is securely fenced and clearly marked with warning signs. Under these conditions, this material poses no health risks to the public. A person would have to illegally trespass onto the site to be exposed to elevated levels of radiation."

Previous radiation screening surveys of the site, performed in 1994 and 1995, used ground-based detection equipment. Due to the overgrowth of small trees and heavy vegetation on significant portions of the site since those surveys, Region 7 chose instead to conduct an aerial survey using the ASPECT airplane.

The ASPECT survey is part of EPA's work to update information collected through prior investigations. The 200-acre site encompasses several inactive areas of closed sanitary and demolition fills, including two areas where leached barium sulfate waste from World War II-era nuclear weapons manufacturing was buried in the 1970s; and the separate Bridgeton Sanitary Landfill.

EPA added the West Lake Landfill Site to the Superfund National Priorities List (NPL) in 1990. In 2008, the Agency signed a Record of Decision (ROD) which selected a remedy of containing the radiologically-contaminated material in place, constructing an engineered protective earthen cap for the landfill, installing and operating a system of groundwater monitoring wells around the site's perimeter, institutional (or land use) controls, and long-term maintenance of the remedy.

After the ROD was signed, EPA continued to receive public comments about the selected remedy. In response to those comments, in 2010 EPA tasked the four Potentially Responsible Parties (PRPs) – the U.S. Department of Energy, Cotter Corporation, Bridgeton Landfill LLC and Rock Road Industries LLC – to conduct a Supplemental Feasibility Study (SFS). This study further evaluated EPA's selected remedy,

and alternatives involving excavation of the radiologically-contaminated landfill material and disposal of it at a permitted off-site facility or in a new, secured on-site disposal cell.

Because the estimated costs for each alternative remedy outlined by the SFS exceeded a \$25 million threshold, Region 7 was required to consult with EPA's National Remedy Review Board (NRRB). In 2012, the NRRB suggested additional groundwater sampling, a more detailed study of a partial excavation remedy, and a more detailed analysis of potential treatment technologies for use on the radiologically-contaminated landfill material. EPA Region 7 has tasked the PRPs to perform the additional sampling and analyses.

Region 7 requested the March 2013 ASPECT survey to gather additional data as it reconsiders the final remedy selected for the site. EPA also tasked the PRPs to conduct four seasonal rounds of groundwater sampling. The first round of groundwater sampling was made public in January. The second round was completed in April, and the results from that sampling analysis are currently being reviewed. The third and fourth rounds of groundwater sampling are expected to be completed by the end of 2013.

Region 7 will hold a public meeting next month to further discuss the results of the ASPECT survey, the second round of groundwater sampling, and plans for further investigation of West Lake Landfill. The meeting will be held from 6:30 p.m. to 8:30 p.m. on Tuesday, June 25, in the auditorium at Pattonville High School, 2497 Creve Coeur Road, Maryland Heights, Mo., 63043.

Full text of the ASPECT survey report and results of previous groundwater sampling at the site are available online at www.epa.gov/region7/cleanup/npl_files/index.htm#westlake.

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[Learn more](#) about EPA Region 7's work at West Lake Landfill

[Learn more](#) about EPA's ASPECT Program

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U.S. EPA News Release (HQ): EPA Proposes Rules to Protect Americans from Exposure to Formaldehyde
05/29/2013

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FOR IMMEDIATE RELEASE

May 29, 2013

EPA Proposes Rules to Protect Americans from Exposure to Formaldehyde

WASHINGTON – The U.S. Environmental Protection Agency (EPA) today proposed two rules to help protect Americans from exposure to the harmful chemical formaldehyde, consistent with a Federal law unanimously passed by Congress in 2010. These rules ensure that composite wood products produced domestically or imported into the United States meet the formaldehyde emission standards established by Congress.

Formaldehyde is used in adhesives to make a wide range of building materials and products. Exposure to formaldehyde can cause adverse public health effects including eye, nose and throat irritation, other respiratory symptoms and, in certain cases, cancer.

"The proposed regulations announced today reflect EPA's continued efforts to protect the public from exposure to harmful chemicals in their daily lives," said James J. Jones, EPA's acting assistant administrator for the Office of Chemical Safety and Pollution Prevention. "Once final, the rules will reduce the public's exposure to this harmful chemical found in many products in our homes and workplaces."

In 2010, Congress passed the Formaldehyde Standards for Composite Wood Products Act, or Title VI of the Toxic Substances Control Act (TSCA), which establishes emission standards for formaldehyde from composite wood products and directs EPA to propose rules to enforce the act's provisions. EPA's proposed rules align, where practical, with the requirements for composite wood products set by the California Air Resources Board, putting in place national standards for companies that manufacture or import these products. EPA's national rules will also encourage an ongoing industry trend towards switching to no-added formaldehyde resins in composite wood products.

EPA's first proposal limits how much formaldehyde may be emitted from hardwood plywood, medium-density fiberboard, particleboard and finished goods, that are sold, supplied, offered for sale, manufactured, or imported in the United States. The emitted formaldehyde may be left over from the resin or composite wood making process or be released when the resin degrades in the presence of heat and humidity. This proposal also includes testing requirements, laminated product provisions, product labeling

requirements, chain of custody documentation, recordkeeping, a stockpiling prohibition, and enforcement provisions. It also includes a common-sense exemption from some testing and record-keeping requirements for products made with no-added formaldehyde resins.

The second proposal establishes a third-party certification framework designed to ensure that manufacturers of composite wood products meet the TSCA formaldehyde emission standards by having their composite wood products certified through an accredited third-party certifier. It would also establish eligibility requirements and responsibilities for third-party certifier's and the EPA-recognized accreditation bodies who would accredit them. This robust proposed third-party certification program will level the playing field by ensuring composite wood products sold in this country meet the emission standards in the rule regardless of whether they were made in the United States or not.

More on Formaldehyde Proposals: <http://www.epa.gov/oppt/chemtest/formaldehyde/index.html>

More on EPA's TSCA Work Plan chemical effort:
<http://www.epa.gov/oppt/existingchemicals/pubs/workplans.html>

R100

News Release: Tesoro to Pay \$1.1 Million to Resolve Clean Air Act Violations

05/30/2013

CONTACT:

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FOR IMMEDIATE RELEASE

May 30, 2013

Tesoro to Pay \$1.1 Million to Resolve Clean Air Act Violations

WASHINGTON – The U.S. Environmental Protection Agency (EPA) announced that Tesoro Corporation, Tesoro Refining & Marketing Company LLC, and Tesoro Alaska Company have agreed to pay a \$1.1

million penalty to resolve claims that Tesoro failed to comply with requirements under the Clean Air Act (CAA) at four of its refining facilities that produce conventional gasoline.

In its complaint, EPA alleged that Tesoro failed to comply with recordkeeping, reporting, sampling, and testing requirements at its facilities in Salt Lake City, Utah; Mandan, N.D.; Anacortes, WA; and Kenai, AK.

"EPA's fuels regulations are vital safeguards that protect our nation's air quality," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "By taking action against violations of these regulations, EPA is not only protecting people's health, but is also ensuring a level playing field for refiners that play by the rules."

The settlement requires that Tesoro implement an environmental compliance and auditing plan which is designed to prevent future violations and ensure compliance with EPA's fuels regulations.

The EPA's fuel regulations require that all fuel produced, imported and sold in the United States meet certain standards. Fuel that does not meet the applicable standards could lead to an increase in emissions of harmful pollutants, such as volatile organic compounds and cancer-causing air toxics.

The sampling, testing, recordkeeping, and reporting requirements of the fuels program provide the foundation for EPA's compliance program. Refiners that violate these requirements undermine the integrity of the fuel regulations and hinder the Agency's ability to ensure gasoline complies with fuel quality and performance standards, potentially leading to an increase in harmful air pollution.

The consent decree is subject to a 30-day public comment period and final court approval.

More information about this settlement: www.epa.gov/enforcement/air/cases/tesoro.html

EPA News Release (Region 7): Public Comments Sought on Proposed Coal Ash Cleanup Settlement with Rotary Drilling Supply in Jefferson County, Mo.

05/30/2013

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard, Lenexa, KS 66219

Iowa, Kansas, Missouri, Nebraska, and Nine Tribal Nations

Public Comments Sought on Proposed Coal Ash Cleanup Settlement with Rotary Drilling Supply in Jefferson County, Mo.

Contact Information: David Bryan, 913-551-7433, bryan.david@epa.gov

Environmental News

FOR IMMEDIATE RELEASE

(Lenexa, Kan., May 30, 2013) - EPA Region 7 and Rotary Drilling have reached a proposed agreement to address environmental impacts from the unauthorized disposal of approximately 140,000 tons of coal ash from the Rush Island Power Plant owned and operated by Union Electric Company (d/b/a Ameren Missouri). EPA is accepting public comment on the settlement pursuant to the federal Resource Conservation and Recovery Act (RCRA).

In an administrative order on consent (AOC), EPA alleges that the dumping of the coal ash on property owned by Rotary Drilling Supply, Inc., located in Jefferson County, Mo., impacted wetlands, an unnamed tributary to Platin Creek, and a portion of Willers Lake. The coal ash contains environmentally harmful metals that migrate into adjacent surface waters.

Between October 2004 and September 2008, Rotary Drilling and another company, Mineral Resource Technologies, Inc., contracted with Kleinschmidt Trucking, Inc., to haul and dispose of approximately 95,000 tons of coal ash to the Rotary Drilling site. During that time period, Mineral Resource Technologies, Inc., contracted with Union Electric Company to find and secure locations for coal ash disposal. In 2007, Union Electric contracted directly with Kleinschmidt Trucking, Inc., to haul and dispose of approximately 45,000 tons of coal ash from the Rush Island Power Plant at Rotary Drilling's property.

EPA's proposed settlement, issued pursuant to federal RCRA authority, requires Rotary Drilling to abate impacts of the coal ash disposal by placing a protective cap over the coal ash piles and installing controls to prevent the continued migration of coal ash constituents into wetlands and other surface waters.

Additionally, Rotary Drilling must mitigate for lost wetland functions by purchasing wetland mitigation bank credits. Wetland mitigation bank credits involve the restoration, creation, enhancement, or preservation of a wetland, stream, or habitat conservation area to offset adverse impacts to similar nearby ecosystems. The goal is to replace the function and value of the specific wetland habitats that have been adversely impacted.

A copy of the Administrative Record is located at the Crystal City Public Library, 736 Mississippi Ave., Crystal City, MO 63019. EPA invites the public to comment on the AOC. The 30-day public comment period opens on May 30, 2013, and runs through June 28, 2013.

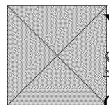
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[Learn more](#) about EPA Region 7

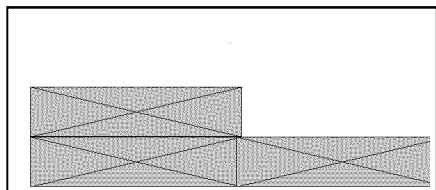
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